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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,263	08/11/2000	Lisa Joy Stifelman	TLME-00-007	9034
7590 12/27/2005				
Wagner Murabito & Hao LLP				
Third Floor				
Two North Market Street				
San Jose, CA 95113				
		EXAMINER		
		OPSASNICK, MICHAEL N		
		ART UNIT		PAPER NUMBER
		2655		

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/638,263	<b>Applicant(s)</b> STIFELMAN ET AL	
	<b>Examiner</b> Michael N. Opsasnick	<b>Art Unit</b> 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 34-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-48 is/are allowed.
- 6) ☒ Claim(s) 1-26, 34-37 and 44-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

#### ***Allowable Subject Matter***

1. Claims 38-43 are allowable over the prior art of record.
2. The following is a statement of reasons for the indication of allowable subject matter:

As per independent claim 38, the recited limitation pertaining to pausing a predetermined period for said caller to say a new location, rendering a background audio signal, and repeating pertinent information to the first category if the user does not indicate a new location, is not explicitly taught by the prior art of record.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26,34-37,44-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gould et al (5960394) in view of Douglas (5875429).

As per claims 1,14,34,44,53,54, Gould et al (5960394) teaches an audio user interface (Fig. 32) comprising:

“prompting the user with a first message.....keywords” as displaying two options for the user, including an option to a menu that provides more choices (Fig. 32; this menu shows that the user will be presented with prechosen choice, or with another choice of words);

“waiting for a predetermined time.....provided.....automatically recognizing said keyword.....application.....keyword” as waiting for a response by the user, and if the response is an expected command, the program executes the command (col. 26 lines 1 – 42);

“provided said user does not say.....in response to said listing” as when the user does not give an expected reply, the program performs either the listing of associated functions or provides a list of possible functions (col. 26 lines 50-65; and in Fig. 28, the global “TIMEOUT 40”; also, the “UTT\_TOO\_SOFT” is equivalent to not hearing a valid response, i.e., the routine is interrupted because a response was not heard within a timeframe).

As per related claim 34, Gould et al (5960394) further teaches user interruptible command such as “tutor menu” wherein the application will stop performing and recall the tutor menu (col. 25 lines 39-44; as evidenced by that command being in the globals section -- i.e., the program is designed to monitor that key phrase at all times and interrupt accordingly).

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As per related claims 44,53,54, Gould et al (5960394) teaches reprompting when it is determined that the utterance is faulty (Fig. 28, the global variables that are executed for utterances that are too loud, too soft, too fast or too long, and then rejected altogether with the variables REJECTED\_ UTT).

As per claims 1,14,34,44,53,54, Gould et al (5960394) does not explicitly teach the prompt/message being of an audible format, however, Douglas (5875429) teaches a system that addresses the editing of a document in a word processing system using voice recognition (Douglas (5875429), col. 1 lines 5-10; col. 1 lines 15-25), wherein audible prompts (col. 3 lines 17-20) are used to provide feedback to the user (col. 3 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition based word processors to modify the teachings of Gould et al (5960394) with audible feedback messages because it would advantageously improve the workflow of the user/editor who is using the system (Douglas (5875429), col. 1 lines 29-34).

As per claims 2,6,7,9,10,15,19,20,22,23,45, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches repeating the same steps of waiting for a keyword, and if no keyword is supplied, providing a list of new keywords/possibilities or trying to execute the command if it is a keyword (Gould et al (5960394), col. 26 lines 50-54; col. 19 lines 6-32; col. 70 line 25 – col. 80 line 15).

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As per claims 3,8,16,21, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches prompting the user to say the keyword (Gould et al (5960394), Fig. 33, subblock 600, Fig. 35, subblock 608; Figs. 40,41).

As per claims 4,5,17,18,35,36, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches providing a sound card in the computer that can generate sound (Gould et al (5960394), fig. 4).

As per claims 11,12,24,25, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches different messages in different formats (Gould et al (5960394), fig. 41).

As per claims 13,26, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches message notification (Gould et al (5960394), col. 30, lines 24-44), and ending of recognition program (Gould et al (5960394), Fig. 89)

As per claim 37, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches notification to user that processing is occurring (Gould et al (5960394), fig. 59, and accompanying columns explaining fig 59).

As per claims 46,47, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches determining if the alleged keyword is misunderstood, non-

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recognized, or a keyword of a different category (Gould et al (5960394), col. 43, lines 45-65).

As per claims 48-52, the combination of Gould et al (5960394) in view of Douglas (5875429) teaches provisions adjusting for the type of input device (Gould et al (5960394), Fig. 58) and training the models according to the speaker input (Gould et al (5960394), Fig. 59); both characteristics are combined when trying to improve the speech model (Gould et al (5960394), col. 43, line 30-45).

### ***Response to Arguments***

5. Applicant's arguments filed 10/11/2005 have been fully considered but are moot in view of the new grounds of rejection. As per the arguments presented with respect to audible prompts, please see the new art rejection noted above. Arguments presented on pages 21-25 of the response are similar in scope and rationale as the arguments presented on pages 18-20 of the response. The arguments presented with respect to claims 38-43 are moot since these claims have been found to be allowable over the prior art of record.

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***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
12/19/05

  
**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**